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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,755	03/18/2004	Nils Jorgen Jorgensen	02405.0236	5364

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EXAMINER	
KURTZ, BENJAMIN M	
ART UNIT	**PAPER NUMBER**
1723	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/802,755	JORGENSEN, NILS JORGEN	
	Examiner	Art Unit	
	Benjamin Kurtz	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,16-27 and 29-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,16-27 and 29-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 November 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 recites the limitation "said space". There is insufficient antecedent basis for this limitation in the claim. For examination purposes said space is treated as said annular space as recited in claim 24.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-26 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Kudlaty US 3 476 251. Regarding claim 16, Kudlaty teaches a filter device comprising: a casing (3) with a bottom end and an upper open end, a liquid inlet (7) and a liquid outlet (6), at least said liquid inlet being arranged at said bottom end, a movable lid (50) for releasably covering said casing at said upper open end, a valve structure arranged at said bottom end and being movable between a first position wherein said liquid inlet is open and a second position wherein said liquid inlet is blocked, and a filter element

(36) including a mesh-like filtering medium, said filter element being releasably arranged within said casing, and being located between said valve structure and said lie, said valve structure being rotatable about an axis extending between said upper open end and said bottom end, between said first position and said second position of said valve structure, and said lid being rotatable about said axis, wherein said lid is coupled to said filter element and said filter element is coupled to said valve structure wherein when the lid is rotated about said axis said valve structure is rotated about said axis between said first position and said second position (fig. 1, 2 and 6, col. 3, line 58 – col. 4, line 42).

Regarding claims 17-26 and 32 Kudlaty further teaches seals (37) for sealing the filter (36) against the valve structure and the lid; the liquid outlet is arranged at said bottom end of said casing; said valve structure is configured to block said liquid outlet in said second position of said valve structure; the lid is adapted to engage and disengage said casing through said rotation of said lid about said axis, the user of the device may rotate the lid as it is installed or removed from the casing once the bolts have been removed, the applicant has not positively recited a structure in claim 20; the lid includes a gripping handle (65); the filter element is releasably coupled to said lid; said filter element has a lower end and an upper end and includes an essentially rigid elongated structure supporting said filtering medium said filter element including an internal flow passage; said filter element is essentially tubular and said filter device includes an annular space between said filter element and said casing; said valve structure includes a first chamber having an entry port and communicating in said first position with said liquid inlet and said internal passage of said filter element; said valve structure includes

a second chamber having an exit port and communicating in said first position with said liquid outlet and with said annular space; and said filter element is coupled to said lid by complementary engagement means and said filter element is coupled to said valve structure by complementary engagement means, wherein rotation of said lid causes said movement of said valve structure (figures 1, 2 and 6, col. 3, line 58 – col. 4, line 42).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-9 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudlaty '251 in view of Darling US 4 615 812.

Regarding claims 1, 9 and 27 Kudlaty (251) teaches a filter device comprising: a case (3) with a bottom and upper open end, an inlet (6) arranged at the bottom end and an outlet (7); a lid (50); a valve structure at the bottom end movable between a first position where the inlet is open and a second position where the inlet is blocked; a filter element (36) releasably arranged in the casing; the filter element is between the valve structure and the lid; the valve structure is rotatable about a longitudinal axis of the housing; the lid is rotatable about the same axis; and a coupling whereby the lid is coupled to the valve structure (through housing (10)) such that rotational movement of the lid about the longitudinal axis imparts rotation of the valve between the first position

and the second position (figures 1,2 and 6, col. 3, line 58 – col. 4, line 42). Kudlaty does not teach the lid being releasable only when the valve structure is in the second position and the liquid inlet is blocked by the valve structure. Darling teaches a filter device where movement of the lid (18) causes movement of the valve structure between a first and a second position and wherein the lid is releasable from said casing only when the valve structure is in the second position and the liquid inlet is blocked by the valve structure (col. 4, lines 36-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the releasable lid structure of Darling because prior to removal the container is automatically sealed shut to prevent leakage of the fluid from the container as well as from the circulation system (col. 3, lines 10-15).

Regarding claims 2-8 and 31, Kudlaty further teaches seals (37) for sealing the filter (36) against the valve structure and the lid; the outlet is at the bottom end; the valve structure blocks the outlet in the second position (fig. 6); the lid is releasably coupled to the filter element which is connected to the valve structure; the filter element has a lower and upper end with a rigid elongated structure supporting the medium said filter element being essentially tubular and including an internal axial flow passage and an annular space between the filter and the casing; the filter element is connected to the lid such that said filter element is removed from the casing when the lid is released from the casing; the lid includes a gripping handle (65); and said coupling means comprises a complementary engagement device between said lid and said filter element and a complementary engagement device between said filter element and said valve structure

so that movement of said lid causes said movement of said valve structure (figures 1, 2 and 6, col. 3, line 58 – col. 4, line 42).

Regarding claim 30, Kudlaty teaches a filter device comprising: a casing (3) with a bottom end and an upper open end, a liquid inlet (6) and a liquid outlet (7), at least said liquid inlet being arranged at said bottom end, a lid (50) for releasably covering said casing at said upper end, a valve structure arranged at said bottom end and being movable between a first position wherein said liquid inlet is open and a second position wherein said liquid inlet is blocked, and a filter element (36) including a mesh-like filtering medium, said filter element being releasably arranged within said casing, and being located between said valve structure and said lid, wherein rotation of said lid causes movement of said valve structure from said first position to said second position (figures 1, 2 and 6, col. 3, line 58 – col. 4, line 42). Kudlaty does not teach means for removing said lid from said casing by rotation of said lid with respect to said casing. Darling teaches a filter device with means for removing a lid (18) from a casing (12) by rotation of said lid with respect to said casing and where movement of the lid causes movement of a valve structure (fig. 2 and 4, col. 4, lines 36-44) which performs the identical function of securing the lid to the casing in substantially the same way with substantially the same result as the lug and press fit disclosed herein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the releasable lid structure of Darling because prior to removal the container is automatically sealed shut to prevent leakage of the fluid from the container as well as from the circulation system (col. 3, lines 10-15).

4. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kudlaty '251 in view of Humbert, Jr. US 4 052 307. Kudlaty teaches the filter device but does not teach the filter element including a valve. Humbert teaches a filter device having a filter element (50) including a valve (56) at a bottom end thereof, the valve adapted to close upon release of the filter element from the casing (A) (fig. 3 and 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the valve of Humber because the valve means substantially reduces the amount of fluid lost or spilled during filter replacement (col. 1, lines 39-46).

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kudlaty '251 in view of Darling '812 as applied to claim 1 above, and further in view of Humber '307. Kudlaty in view of Darling teaches the filter device but does not teach the filter element including a valve. Humbert teaches a filter device having a filter element (50) including a valve (56) at a bottom end thereof, the valve adapted to close upon release of the filter element from the casing (A) (fig. 3 and 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the valve of Humber because the valve means substantially reduces the amount of fluid lost or spilled during filter replacement (col. 1, lines 39-46).

Response to Arguments

6. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 11/16/06 have been fully considered but they are not persuasive. Regarding claim 16, Kudlaty teaches the filter element sealingly engages

the valve structure and so it is connected or coupled to the valve structure. When the lid is rotated to rotate the valve structure the filter will also rotate because the filter element is connected to the both the lid and the valve structure and will thereby provide some rotational force. The claim does not preclude the additional element (10) of Kudlaty that connects the lid and the valve structure.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Kurtz whose telephone number is 571-272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bk 1/19/07

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